

GLOSSARY

Channel. Any open conduit either naturally or artificially created which potentially or continually contains moving water, or which forms a connecting link between two bodies of water.

Channel bank. The sloping land bordering a channel. The bank has a steeper slope than the bottom of the channel and is usually steeper than the land surrounding the channel.

Channelization. The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Compensatory mitigation. ...restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Creation. The establishment of a wetland or other aquatic resource where one did not formerly exist.

Discharge of dredged material. Any addition of dredged material into the waters of the United States. The term includes, without limitation, the addition of dredged material to a specified discharge site located in waters of the United States and the runoff or overflow from a contained land or water disposal area....The term does not include *de minimis*, incidental soil movement occurring during normal dredging operations.

Discharge of fill material. The addition of fill material into waters of the United States. The term generally includes, without limitation, the following activities: Placement of fill that is necessary for the construction of any structure in a water of the United States; the building of any structure or **impoundment** requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes;...property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; ...**levees**....

Dredged material. Material that is excavated or dredged from waters of the United States.

Enhancement. Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral stream. ...has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the **water table** year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Fill material. Any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of... [a] waterbody....Any addition or redeposition of dredged material associated with any activity, including mechanical landclearing, ditching, channelization, and other excavation activities that destroys or degrades waters of the US and require a [Section] 404 permit.

Ground water. That portion of the water below the ground surface that is under greater pressure than atmospheric pressure.

Habitat. The environment occupied by individuals of a particular species, population, or community.

Impoundment. An artificially created water storage.

In-lieu fee mitigation. Occurs in circumstances where a permittee provides funds to an in-lieu-fee sponsor instead of either completing project-specific mitigation or purchasing credits from a mitigation bank.

Individual permit. A Department of the Army authorization that is issued following a case-by-case evaluation of a specific project involving the proposed discharge(s) in accordance with...33 CFR 323.

Intermittent stream. Some base flow during some portion of the year.

Inundation. A condition in which water from any source temporarily or permanently covers a land surface.

Levee. A natural or man-made feature of the landscape that restricts movement of water into or through an area.

Loss of waters of the US. Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values....Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US.

Mitigation bank. ...provide[s] for the replacement of the chemical, physical and biological functions of wetlands and other aquatic resources which are lost as a result of authorized impacts. Using appropriate methods, the newly established functions are quantified as mitigation 'credits' which are available for use by the bank sponsor or by other parties to compensate for adverse impacts.

Non-tidal waters. ...a wetland (i.e., a water of the US) that is not subject to the ebb and flow of tidal waters....Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water. An area that, during a year with normal patterns of precipitation, has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. **Vegetated shallows** are considered to be open waters. The term “open water” includes rivers, streams, lakes, and ponds. For the purposes of the NWP, this term does not include ephemeral waters.

Ordinary High Water Mark. A line on the bank or shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation,...the presence of little and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream. ...has water flowing year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Preservation. The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration. Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

River. A body of flowing water. A river may encompass wetlands and deepwater areas within its channel. Water is usually but not always flowing and may be **intermittent** or **ephemeral**.

Saturated soil conditions. A condition in which all easily drained voids (pores) between soil particles in the root zone [portion of a soil profile in which plant roots occur] are temporarily or permanently filled with water to the soil surface at pressures greater than atmospheric.

Slough. Depression or hollow, often damper than surrounding areas.

Tidal Waters. ...rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal...[waters] are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated buffer. A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters which separates the open water from developed areas, including agricultural lands. Vegetated buffers provide a variety of aquatic **habitat** functions and values...and help improve

or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to...open water....The establishment and maintenance of vegetated buffers is a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement, or preservation of aquatic habitats to ensure that activities authorized by NWP's [Nationwide Permits] result in minimal adverse effects to the aquatic environment...

Vegetated shallows. ...special aquatic sites under the [Section] 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Wash. A steep-sided depression from which bottom sediments have been removed by water.

Water table. The upper surface of ground water or that level below which the soil is saturated with water. It is at least 6 in. [inches] thick and persists in the soil for more than a few weeks.

Waterbody. ...any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

Waters of the US.

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under the definition;
5. Tributaries of waters identified in...[33 CFR 328];
6. The territorial seas;

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section.

8. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA [U.S. Environmental Protection Agency]. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA [Clean Water Act] (other than cooling ponds as defined in 40 CFR [Code of Federal Regulations] 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

Wetland. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland boundary. The point on the ground at which a shift from wetlands to non[-] wetlands or aquatic habitats occurs. These boundaries usually follow contours.